

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JULY 8, 2005

Prepared on April 13, 2005

ITEM NUMBER: XX

SUBJECT: WATER QUALITY CONTROL PLAN - TRIENNIAL REVIEW PRIORITY LIST

SUMMARY

The Central Coast Water Quality Control Plan (Basin Plan) guides activities of the Central Coast Regional Water Quality Control Board (Central Coast Water Board, also referred to as Regional Board in Basin Plan) and staff by identifying beneficial uses, requiring implementation plans for the protection of beneficial uses, monitoring to ensure protection of beneficial uses, and setting water quality objectives and criteria. The purpose of the Triennial Review Priority List process is to identify and prioritize basin plan amendments in the Central Coast Region for use in updating the Basin Plan. Staff have developed and prioritized a preliminary list of amendments, considering United States Environmental Protection Agency (USEPA) requests, directives and mandates; State Water Resources Control Board amendments; Central Coast Water Board staff amendments; Watershed Management Initiative amendments; comments from interested persons and organizations on previously identified issues; and staff resource availability. The 2005 proposed Triennial Review Priority List is presented to the Board for review and consideration.

- A (generalized) ranking of water quality amendments;
- A brief description of each water quality amendment;
- Identification of water quality amendments that can be completed with existing resource allocations over a three-year period and
- Identification of water quality amendments requiring additional resources to complete.

Following public hearing and adoption of the Triennial Review Priority List, Central Coast Water Board staff investigates, develops and prioritizes a detailed work plan for each amendment, and then determines the need for a Basin Plan amendment¹. Investigation of a potential amendment on the Triennial Review Priority List does not necessarily mean a revision of the Basin Plan will be recommended to the Board. Additionally, priority amendments that result in a Basin Plan amendment do not become effective until approved by the Central Coast Water Board, the State Board, and the Office of Administrative Law (OAL) [Administrative Procedures Act, Government Code ss11340 et seq.]. Surface water standards also require the approval of the USEPA to become effective.

DISCUSSION

The federal Clean Water Act (Section 303 (c)) and the Porter-Cologne Water Quality Control Act require the Basin Plan to be reviewed and updated periodically (at a minimum every three years). The Central Coast Water Board review process includes identification of amendments that may enhance water quality protection, and presentation of a priority list of amendments at a public hearing. The priority list of amendments, referred to as the Triennial Review Priority List, includes:

The draft 2005 Triennial Review Priority List of amendments to be presented for Board review and consideration is shown in Attachment A. As noted above, amendments on the list were developed in consideration of State Water Resources Control Board amendments, Central Coast Water Board staff amendments, Watershed Management

¹ Basin Plan amendments can also occur for issues not identified during the Triennial Review. For example, amendments can occur for urgent issues resulting from new legislation or other sources.

Initiative amendments, USEPA requests/directives/mandates, input from other interested persons/organizations, and staff resource availability. Additionally, on August 23rd 2004 Central Coast Water Board staff held an internal meeting to discuss how existing staff efforts and expertise could support evaluation and implementation of the proposed Triennial Review Priority List. The draft 2005 Triennial Review Priority List was revised to address board staff concerns.

Public input was requested in a September 28, 2004 letter (Attachment D) to individuals and organizations on the Basin Plan mailing list. A Notice of Public Hearing was also published in several newspapers throughout the Central Coast Region at approximately the same time.

2001-2004 Basin Planning Activities

A status report of high priority Basin Plan tasks previously identified by the Central Coast Water Board during the 2001 Triennial Review process (2001 Triennial Review Priority List - Attachment B) is presented below. Basin Planning activities performed over the last three years are also discussed below:

1. Develop Region-Wide Nonpoint Source Management Measures (Priority One, 2001 Triennial Review Priority List)

The Central Coast Water Board approved Region-Wide Nonpoint Source Pollution Control Program on December 13, 2002. The Administrative Record was shipped to Sacramento on April 7, 2003. In May 2003 state board staff indicated that the state nonpoint source program had not yet completed the implementation policy document as required by the approved Non-Point Source (NPS) plan. State Board staff were concerned that approval of our amendment (incorporating the approved state program) would become "de facto" regulation in the absence of the state implementation policy.

On June 16, 2003 State Board Management requested that we voluntarily withdraw our item pending development and approval of the state policy. We confirmed this in a letter dated July 7, 2003.

The State Board approved the State Policy "Policy for Implementation and Enforcement of the

Nonpoint Source Pollution Control Program" on May 20, 2004. Office of Administrative Law approved the policy on August 27, 2004. In addition to revisions reflecting the "Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program", the Basin Plan will also be revised to include changes in the storm water program (Phase II) and the new agriculture waiver program.

2. Develop Riparian Corridor Protection Policy

The Central Coast Water Board approved the Riparian Corridor Protection Policy on December 13, 2002 as part of the Region-Wide Nonpoint Source Pollution Control Program. This item will be revised concurrent with revisions to the Region-Wide Nonpoint Source Management Measures.

3. Develop a regional onsite wastewater management policy consistent with AB 885.

From April through August 2001, State Board staff developed the approach to address AB 885 by developing draft statewide minimum standards for onsite sewage treatment systems. In September 2001, the State Board staff procured contract facilitation services to help implement State Board actions to address AB 885. From November 2001 through October 23, 2002, State and Central Coast Water Board staff held bi-weekly technical advisory committee (TAC) meetings to solicit public input and address the tasks of AB 885. State Board staff, with input from Central Coast Water Board staff, prepared and distributed draft regulations to meeting participants for additional review and comment.

Subsequent to the October 23, 2002 TAC meeting, a minority report was prepared March 2003 by various AB 885 participants that did not support the State's draft regulations. State Board staff elected to revise the draft regulations to address the concerns identified in the minority report prior to release of the draft regulations for public review.

The draft regulations were prepared, reviewed by State Board Office of Administrative Law, revised by State Board staff, and released on May 19, 2004. State Board and Central Coast Water Board staff had two additional meetings (June 8 and June 21, 2004) to review and comment on the draft regulations. The State Water Resources Control Board should release the draft regulations for

public review and comment in the near future. In addition to public review, the State must comply with the California Environmental Quality Act and present the proposed regulations to the State Board for review and potential adoption.

Central Coast Water Board staff has not pursued amendment of the Basin Plan for onsite wastewater management pending the outcome of the AB 885 process.

4. Develop region-wide nutrient criteria consistent with Federal strategy and State efforts to develop criteria.

Since 2001 Central Coast Water Board staff have been working with other state staff to clearly define what is considered a nutrient-caused impairment in surface water and provide a scientifically defensible rationale for Clean Water Act §303(d) listing/delisting decisions. Working with Tetra Tech (consultants), modeling techniques have been developed that provide Central Coast Water Board staff with a first step toward delineating important factors to control eutrophication in surface waters.

A report (2003 Progress Report – Ecoregion 6, Pilot study for the Development of Nutrient Criteria) evaluating the approach for developing nutrient objectives laid out in the U. S. EPA Region IX Nutrient Criteria Development Work Plan was made available to Central Coast Water Board staff on November 3, 2003. The report provided preliminary results regarding the feasibility of developing nutrient criteria for varied landscapes and the basic framework for continued nutrient criteria development.

Two follow up meetings (February 25 and May 25, 2004) were held to discuss the 2003 Progress Report – Ecoregion 6, Pilot study for the Development of Nutrient Criteria and to determine continued course of action for developing nutrient objectives.

A preliminary model using both data and estimated values to classify waters into three categories: Tier I (nutrient impairment unlikely), Tier II (nutrient impairment possible), and Tier III (nutrient impairment very likely) has resulted from the pilot study and meetings. No numeric nutrient criteria resulted from this effort.

In conjunction with Federal and State efforts, Central Coast Central Coast Water Board staff developed a “Multi-Metric Biostimulatory Risk Exposure Index” to evaluate surface water sites based on various water quality parameters (nutrients, pH, dissolved oxygen, chlorophyll a, flora, and turbidity). The intent of the Index is to provide a screening tool that represents simultaneous consideration of stressor, responder, and indicator variables.

5. Incorporate an *Enterococcus* objective for water contact recreation in ocean waters, an *E. coli* objective for water contact recreation in surface waters and a fecal coliform objective for shellfish harvesting.

A draft item has been developed and legally reviewed. Staff held a scoping meeting in October 2004 and intends to move forward with this project in 2005.

In conjunction with the proposed bacteria objectives, board staff is reviewing data and other relevant information to determine if waters designated for shellfish harvesting support the shellfish beneficial use. The bacteria objectives and a review of the shellfish beneficial uses should be presented to the Board in 2005.

6. Create a Basin Plan Index and Glossary.

A Basin Plan Index was developed by April 2002. The Index is available on the Central Coast Water Board webpage at:

<http://www.swrcb.ca.gov/rwqcb3/BasinPlan>

Staff proposes to include the Index (revised as necessary) with the next printing of the Basin Plan.

The Glossary was also developed in April 2002. To support consistency, it was decided to link to the State Board Glossary “Water Words” rather than publish an independent glossary for the Central Coast Region.

7. Revise Chapter 6 of Basin Plan to add a Central Coast Ambient Monitoring Program description, a groundwater monitoring and assessment component, and a monitoring schedule.

The Central Coast Central Coast Water Board approved the Chapter 6 revision that addressed both surface and ground water monitoring, on December 6, 2002. The State Office of

Administrative Law approved the Chapter 6 revision December 13, 2003. The United States Environmental Protection Agency has not yet responded to the State regarding this amendment even though they regularly comment on Basin Plan amendments.

Additionally, Chapter 6 revisions included Pajaro and Salinas Hydrologic units ground water assessment under sections “V.A.4. *Groundwater Ambient Monitoring And Assessment*” and section “V.A.5. *Groundwater Quality Monitoring Act, of 2001*”.

8. Update Groundwater Basin objectives and configurations.

A draft staff report for revised basin configurations consistent with Department of Water Resources Bulletin 118 has been prepared and is under revision. Staff held a scoping meeting in October 2004 and intends to move forward with this project in 2005. Proposed new groundwater objectives will be included because groundwater basin realignment will impact existing basin objectives.

9. Develop Draft Oil Field Soil Disposal/Storage and Beneficial Use Policy

Using Spills, Leaks, Investigations and Cleanups (SLIC) general funding, oil field impacted soils beneficial use draft policy and oil field waste soil disposal/storage draft policy have been developed. This satisfies the previous Triennial Priority List Groundwater Objective to develop an oil field waste policy and is a step toward a global soil cleanup and disposal policy and is scheduled to go before the Central Coast Water Board July 8, 2005.

All other groundwater tasks identified on the 2001 Triennial Review List were not addressed due to staff losses.

10. Adopt Total Maximum Daily Loads (TMDLs) and Implementation Plans.

With TMDL program funds, TMDL program staff developed the following TMDLs as Basin Plan amendments:

- a. San Lorenzo River sediment TMDL
- b. Morro Bay sediment TMDL
- c. Morro Bay pathogens TMDL
- d. San Luis Obispo Creek pathogen TMDL

Basin planning staff and funding were also used to perform additional high priority tasks. Basin Plan resources were used for:

- Program management and supervision
- Collection and preliminary assessment of nitrate data in groundwater.
- Water quality assessment

Staff conducted data assessment activities through the Central Coast Water Board Central Coast Ambient Monitoring Program (CCAMP) – Monitoring products include the CCAMP database and website (<http://www.ccamp.org/>), Pajaro River Watershed Characterization Report 1998, Pajaro River Watershed 1998 Summary of Findings (May 2003), Salinas River Watershed Characterization 1999, and 1998 Coastal Confluences Sediment Chemistry Assessment.

- Basin Plan website development.
- Consideration of an amendment to address discharges of wastewater to the ocean that are not treated to full secondary levels.

Staff conducted a review of regulation, policy, and the literature to evaluate a potential Basin Plan amendment requiring wastewater treatment works (public and private) secondary treatment for all ocean discharges.

There are two existing ocean discharges in the Central Coast Region that do not treat wastewater to secondary levels: Goleta Sanitary District and the City of Morro Bay and Cayucos Sanitary District.

On July 12, 2002 the Central Coast Water Board (Resolution N. R3-2002-0077) denied re-issuance of NPDES permit No. CA0048160 that allowed the Goleta Sanitary District to discharge wastewater treated to less than secondary levels. Goleta Sanitary District petitioned the Central Coast Water Board action to the State Water Resources

Control Board. Resolution and the petition was dismissed on January 22, 2004. On November 19, 2004, Goleta Sanitary District agreed to upgrade its treatment facility to secondary within 10 years.

On June 2004, the Central Coast Water Board sent the City of Morro Bay and Cayucos Sanitary District a letter supporting their commitment to a process to upgrade the Morro Bay/Cayucos Wastewater Treatment Plant to meet secondary treatment standards. On March 29, 2005 the City proposed a 15 year timeline for the upgrade and negotiations are proceeding with staff to reduce that timeframe prior to re-issuance of their 301(h) National Pollutant Discharge Elimination System (NPDES) permit.

On May 12, 2004 the Central Coast Region sent a letter to the State Division of Water Quality regarding the California Ocean Plan (Ocean Plan) – Triennial Review. In that letter Central Coast Water Board requested that State Board consider amending Ocean Plan, Table A, suspended solids effluent limitation so that it is consistent with the USEPA promulgated minimum level of suspended solids effluent quality attainable by secondary treatment in 40 CFR 133.102.

Development of an amendment to the Basin Plan requiring secondary treatment for all ocean discharges from wastewater treatment works (public and private) has not been pursued beyond the letter to State Board requesting that they consider amending Ocean Plan, Table A, suspended solids effluent limitation.

- Data analysis and support for development of the agriculture waiver program.

Future Staff Resources

The preliminary 2005 Triennial Review Priority List in Attachment A includes a column entitled “Estimated Staff Time (months/year and Board meeting).” For some topics, two different time

periods are provided. The first number provides the staff time (months per year) required to perform the task. The second number provides the total time frame to bring the staff recommended amendment to the Central Coast Water Board (see Table 1). For example, lengthy time frames are necessary when there is significant involvement from other individuals or organizations (such as developing region wide nonpoint source implementation measures) or when monitoring efforts are needed to complete a task.

With existing staff resources, staff estimates proposed priority surface water tasks 1-10 identified on the 2005 Triennial Review Priority List can be completed in the next three years. Similarly, staff estimates proposed priority groundwater tasks 1 and 3 can be completed in the next three years. Proposed priority groundwater task 2.b. is projected for completion in 2009. Task 2.a. is scheduled for completion by early 2006. Additional Basin Plan tasks (not proposed as high priority tasks) listed on pages 5 and 6 of Attachment A cannot be completed unless additional staff resources become available or the Board rearranges the recommended priorities.

ENVIRONMENTAL SUMMARY

State Board staff has indicated that because the proposed Triennial Review List is an administrative update of editorial nature only, containing no new or altered regulatory provisions, environmental documentation requirements of the California Environmental Quality Act, under Public Resources Code Section 21080.5, and the Federal Clean Water Act of 1977 (PL 92-500 and PL 95-217) are not necessary.

A Notice of Public Hearing has been circulated. A Notice of Filing and Written Report will be prepared and circulated to interested agencies and persons prior to consideration of any Basin Plan amendment.

COMMENTS

Comments pending.

RECOMMENDATION

Adopt the attached Resolution R3-2005-0069 (Attachment C) completing the 2005 Triennial Review process. The Resolution approves the Triennial Review priority list for potential revision of the Basin Plan, affirms the general adequacy of the present Basin Plan in areas not under revision, and states that the entire Basin Plan is effective until subsequent amendments are adopted.

ATTACHMENTS

- A. 2004 Triennial Review Priority List
- B. 2001 Triennial Review Priority List
- C. Resolution R3-2005-0069
- D. April 13, 2005 letter soliciting public comments.

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